

RECEIVED
CENTRAL FAX CENTER

OCT 26 2006

10-23-06

Cameron Saadat
Art Unit 3715
TC 3700 Randolph Bld.
U.S. Department of Commerce
Commissioner for Patents
P.O. Box 1450
Alexandria, Va 22313-1450

Application No. 10/640,621 your letter of 10/03/06

Claim Objections

Claim 1 has been revised including antecedents for "said-energy flow meter" and "said exercise -energy flow meter" in lines 8 and 9.

The word "flow" has been replaced with the word rate.

Also in lines 9 and 10. antecedents have been established for "said diet energy" and for "said exercise energy".

In claims 2-3, "the analog of claim" has been replaced with "the analog device of claim".

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karkanen (U.S. 5,839,901).

Referring to page 3 of the subject letter the following lines are respectfully disputed based upon the Karkanen references cited in paragraph lines 8 and 9, "See Fig 1 - 2 ,11-13,18, Col.15, lines 5-30".

Line 1. Karkanen does not disclose a device.

Line 2. Karkanen does not disclose a device comprising "energy flow passing through a suitable conductor as a means to power the device".

Line 3. Karkanen does not disclose "the energy flow conducted in series through a variable diet energy restrictor to simulate changes in diet".

Line 4. Karkanen does not disclose "a diet rate meter to display the changes in diet".

Lines 4 and 5. Karkanen does not disclose "an exercise rate meter as a means to display changes in exercise".

Lines 5 and 6. Karkanen does not disclose "an exercise energy restrictor as a means to simulate changes in exercise energy".

Lines 6 - 8. Karkanen does not disclose "an energy magnitude meter connector to measure energy magnitude between the diet-energy rate meter and said exercise-energy rate meter to display simulated weight resulting from changes to the diet energy and to the exercise energy".

Line 10. Karkanen does not disclose the claimed subject matter per the same reference above.

Line 11. Karkanen does not use the term "analog device" because he does not have one. In the cited reference (col. 15, line 28) he properly uses the term "algorithms" to describe his work, because he uses arithmetic and other calculations as the basis for his patent. In this application there are no algorithms.

It is the writer's understanding of the use of the term "analog device" is simply a generic title, like automobile or boat or house – to designate the domain of interest. There are probably thousands of analog devices.

Allowable subject matter

Lines 18-20. Claim 1 was rewritten with antecedents and the limitation proposed by the examiner ("pressurized fluid" was substituted for "energy flow"). This change allows an equivalent electrical system, and so I disagree with the need for the change.

Lines 29-24. No comment. See rewritten claims 1-5.

Page 4

Lines 1-5. No comment. See rewritten claims 1-5

Conclusion

Lines 7-12. I agree with the conclusion that Segar et al (U.S. 4,212,079), Mault et al (U.S. 6,533,532) and Abrams et al (U.S. 5,673,691) are not pertinent to this disclosure. However, I would add Karkanen (U.S. 5,839,901) to the list. All of the cited patents are based upon calculations concerning diet, weight and exercise. This application does no calculations, and it is simply a physical device that visibly shows these relationships qualitatively.

No part of the cited patents could be used in this application, and no part of this application could be used in the cited patents.

Revised claims 1-5 are attached. Underlines have been added. Brackets show deletions.

Feel free to make change to the claims to clear up deficiencies.

Thank you for your patience and help in examining this patent application.

Respectfully,

David N. Low
1425 Athens Rd.
Wilmington, De 19803
(302) 478 6476 FAX same, but call first
d.n.low@att.net

3 letter pages
3 claim pages